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8 Attorney for Defendant

9 ALVIN FLORIDA JR.

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 ALVIN FLORIDA JR., *et al*,

17 Defendant.

CASE NO. CR 14-00582 PJH

**DECLARATION OF COUNSEL IN  
SUPPORT OF DEFENDANTS' JOINT  
OPPOSITION TO GOVERNMENT'S  
MOTION TO WITHHOLD THE TRUE  
IDENTITY OF UCE-3322**

Before the Honorable Phyllis J. Hamilton  
United States District Judge

21 **DECLARATION OF COUNSEL**

22 I, Shaffy Moeel, declare under penalty of perjury as follows:

- 23 1. I have been appointed by the Court to represent Alvin Florida Jr. I am admitted to  
24 practice before this Court, and except as where otherwise expressly noted, state the  
25 following on personal knowledge, and if called as a witness could testify competently  
26 thereto.
- 27 2. On October 11, 2016, at 4:30 p.m., I participated in a telephone conference call with  
28 members from the government prosecution team. Also on the telephone call were

1 attorneys for the defendants: Edwin Prather, Max Mizono, John Forsyth, and Richard  
2 Hullinger.

- 3 3. During the call, the government notified the defense lawyers, for the first time, that they  
4 had no intention of disclosing the identity of the undercover agent witness known to the  
5 defense as UCE-3322. Instead, the government gave notice of its intent to keep the  
6 witness' identity secret to the defense, in perpetuity, citing concerns for the witness'  
7 safety.
- 8 4. The government indicated that it would be filing an under seal document in the coming  
9 days, notifying the Court of its concerns, and its request for special procedures during the  
10 undercover agent witness' testimony at trial.
- 11 5. The government assured me, and the other defense lawyers on the call, that the safety  
12 concern of the government was not a concern that arises with any of our clients or any of  
13 the bid-rigging cases in the Northern District of California.
- 14 6. The government indicated that it would be requesting that the Court implement the  
15 following procedures:
- 16 a. During the witness's testimony at trial, the only individuals that will be permitted to  
17 remain in court would be: court personnel, the jury, the defendants, the government  
18 trial team, and the defense trial teams. The government would request that the public  
19 be permitted to listen to the proceeding in a separate room;
- 20 b. The undercover agent witness would testify under pseudonym and this pseudonym  
21 would be listed in the jury questionnaire;
- 22 c. The defense would be precluded from any questioning that seeks to uncover the true  
23 identity of the witness;
- 24 d. The government would redact the image of the undercover agent witness in any  
25 photo/video for the record, except for when these items are shown to the jury during  
26 trial;
- 27 e. The government will arrange with the U.S. Marshal or the court security officers so  
28 that undercover agent witness could enter the courtroom using a separate entrance

without being photographed or recorded.

Dated: October 14, 2016

*/s/ Shaffy Moeel*

SHAFFY MOEEL

Attorney for Mr. Alvin Florida Jr.